IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 14204 of 2007(N)

PETITIONER:

K. BALACHANDRAN, PHARMACIST GRADE I,
G.H.D. OLAVANNA, RESIDING AT
`JYOTHIS', KOZHIKODE.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF HEALTH AND FAMILY WELFARE, SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF HOMEOPATHY, TRIVANDRUM.

3. THE CHIEF MEDICAL OFFICER, GOVERNMENT OF HOMEO DISPENSARY, OLAVANNA.

4. L. GEETHA, CHIEF MEDICAL OFFICER, DHH, KOZHKODE.

5. K. PRAKASAN, PHARMACIST, G.H.H., KOZHIKODE.

BY GOVERNMENT PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.14204/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 COPY OF THE REQUEST DTD 30.1.2007 BY THE PETITIONER TO R2.

EXT.P2 COPY OF THE RECOMMENDATION DTD 31.1.2007 SENT BY R3 TO R2.

EXT.P3 COPY OF THE DRAFT TRANSFER ORDER DTD 3.4.07.

EXT.P4 COPY OF THE APPEAL BY THE PETITIONER TO R2.

EXT.P5 COPY OF THE TRANSFER ORDER DTD 25.4.07.

RESPONDENTS' EXHIBITS:

EXT.R2(a) COPY OF LETTER GIVEN TO R2.

EXT.R2(b) COPY OF THE COMPLAINT GIVEN TO THE PANCHAYATH AUTHORITIES.

/TRUE COPY/

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V. GIRI, J.

W.P.(C).NO.14204 OF 2007-N

Dated this the 7th day of December, 2007.

JUDGMENT

The petitioner while working as Homeo Pharmacist Grade-I and working at the General Hospital at Olavanna was transferred under Ext.P3 order, within Kozhikode District to Vilangad. The transfer is stated to be on public interest. The petitioner has challenged Ext.P3 order.

2. A counter affidavit is filed by the 2nd respondent Director of Homeopathy. Reference is made to a complaint by the 4th respondent, Chief Medical Officer. Copy of the said complaint has been produced as Ext.R2(a). Apparently, there is another complaint given to the panchayat authorities as Ext. R2(b). Apprehending transfer, the petitioner had filed Ext.P1 representation. The Director had looked into the complaint and decided that it will be better that the petitioner is transferred. The transfer cannot be considered as one in violation of any statutory rules. Nor is it vitiated by any malafides.

3. On going through the counter affidavit filed by the 2nd

respondent, I am of the view that there was justification on the part of the 2nd respondent in transferring the petitioner. If by passage of time and by subsequent developments, there is reason to give the petitioner a posting in any other place nearer to his residence, then, it is open to the 2nd respondent to do so. The writ petition is, therefore, disposed of permitting the petitioner to move a representation before the Director, if he is aggrieved by Ext.P3. If it is so done, within a period of four weeks, it shall be considered and appropriate decision be taken within two months thereafter.

Subject to these observations, this writ petition is disposed of .

V. GIRI, JUDGE.

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